



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF FEBRUARY 27, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Weaver, Wieckowski, Harrison, Thomas, Sharma, Natarajan

ABSENT: None

STAFF PRESENT: Dan Marks, City Planner
Larissa Seto, Senior Deputy City Attorney
Cliff Nguyen, Planner I
Andrew Russell, Associate Civil Engineer
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Mark Eads, Video Technician

APPROVAL OF MINUTES: Regular Minutes of January 23, 2003 approved with the following correction:

Page 2, AYES – Delete Manuel

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 4, AND 5.

IT WAS MOVED (WEAVER/HARRISON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1, 4, AND 5.

- Item 1. SPRINT MISSION BOULEVARD – 37296 Mission Boulevard – (PLN2002-00334)** - to consider Planning Commission recommendation to the City Council for a Finding (required by the Hill Area Initiative of 2002) and a Conditional Use Permit to allow the installation of ground-mounted antennas and associated equipment cabinets located on the hill face in the Niles Planning Area. This project is categorically exempt from CEQA review per Section 15303, New Construction or Conversion of Small Structures. (Continued from January 23, 2003)

Commissioner Thomas asked that a sample of the artificial shrubbery that was to be used (or better photos of the product) be brought to the next meeting.

Chairperson Cohen agreed.

CONTINUE TO MARCH 13, 2003 AT APPLICANT'S REQUEST.

- Item 4. WASHINGTON WEST SHOPS – 2500 Mowry Avenue – (PLN2003-00108)** - to consider an amendment to the Finding for Site Plan and Architecture for the Washington West Retail Shops to include fencing along the perimeter of the site located in the Central Planning Area. This project is categorically exempt from CEQA review per Section 15301, Existing Facilities.

CONTINUE TO A DATE UNSPECIFIED.

- Item 5. TENTATIVE MAP 7618 EXTENSION – 45330 Warm Springs Boulevard – (PLN2003-00145)** - to consider an extension of Tentative Tract Map 7618 for a seven-lot industrial subdivision located at the southeast quadrant of Warm Springs Boulevard and Grimmer Boulevard in the Industrial Planning Area. The City previously certified and approved a Mitigated Negative Declaration for the development of this project.

CONTINUE TO A DATE UNSPECIFIED.

The motion carried by the following vote:

AYES:	7	–Cohen, Harrison, Natarajan, Sharma Thomas, Weaver, Wieckowski
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	
RECUSE:	0	

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 2. MISSION SELF STORAGE – 36341 Mission Boulevard (PLN2003-00140)** – to consider a Minor Amendment to P-2000-141 for minor revisions to a previously approved development of a mini-warehouse with caretaker unit in the Niles Planning Area. The City previously certified and approved a Mitigated Negative Declaration for the development of this project. (Continued from January 23, 2003)

Commissioner Wieckowski recused himself because he represented a client who was in litigation with the applicant.

City Planner Marks pointed out to the Commission that several documents related to this item were in their packets and should be read before rendering a decision. They also should have received an email message and a letter from the applicant.

Taghi Manbeian, applicant, read his letter that addressed comments from Tom Rigner, President of the Board of Arroyo Park Townhome Association, and Suzanne Mountain, which included:

- He had not performed any street repair.
- Geologist's report (approved by City) stated that Hayward fault did not cross project's site.
- Project buildings were no bulkier or massive than local townhouses. Elevation of Building 4 and roof shape were modified to further reduce its massiveness. The height of Building 4 would be 28.5 feet and face three residences on Patel Terrace. (Maximum height of 30 feet for residences was allowed within area.) Faux windows were added to make it compatible with adjacent townhouses. North-south cross section showed height and mass of buildings to be compatible to adjacent residences. He did not believe that added height of 3.5 feet for Building 4 would negatively impact their views or their home values.
- New fence would be constructed within property and existing Association wall would remain.
- Low intensity lighting would be installed and shielded to shine away from adjacent properties.
- Storage users were expected to make eight to ten trips during the day. Noise from traffic on Mission Boulevard and Pacific Union trains was more intense than noise would be from storage unit roll-up doors.

- Landscaping was reviewed by the City Landscape Architect and would provide homey, colorful atmosphere.
- He had accepted many additional expenses in order to provide compatibility with the adjacent residents.

Mr. Manbeian believed that the adjacent homeowners hoped to forestall any kind of development on his property, as the issues recently raised by Mr. Rigner had also existed (and not been commented on) during the original project approval process. He claimed that construction expense had increased approximately 50 percent since he began this project in late 2000 and that he could not make a profit if the project was smaller. He noted that the feasibility study, as requested by the Commission, was available to prove his claim.

Commissioner Natarajan recalled the request for a massing model and asked if one was available.

Mr. Manbeian stated that a model had not been constructed due to the cost and time involved in its preparation. A cross section had been prepared, instead.

Commissioner Sharma asked what major change had been made to lower the height of Building 4.

Planner Nguyen replied that the pitch of the roof remained the same, but the ceiling heights had been reduced.

Commissioner Cohen opened the public hearing.

No one from the public came forward to speak.

Mr. Manbeian closed by stating that every request by staff and the Commission had been met, and he asked for approval of the project.

Commissioner Cohen closed the public hearing.

Commissioner Natarajan asked what part of the project was included within the 29% landscaping, as noted in the report.

Planner Nguyen replied that all the areas around Buildings 3, 2, 5 and the private open space provided for the caretaker's unit would be landscaped.

Commissioner Thomas asked if the caretaker's unit was actually included within the landscaping percentage.

Planner Nguyen stated that the caretaker's open space was part of the 28.9 percent.

Commissioner Sharma asked if the best possible improvements had been made, such as, maximum height reduction and the improvements to the appearance at the back of Building 4.

Assistant Planner Nguyen stated that seven-foot ceiling height clearances had been explored. However, roll-up doors would have had to be custom made and customers preferred units with nine-foot clearances. Depressing the building would have made it difficult to meet the Americans with Disability Act requirements.

Commissioner Harrison complimented the applicant for listening to the Commission's comments and working with staff to create a better project. He would support the project.

Commissioner Natarajan did not see improved architecture and did not believe the current architecture justified the increased FAR in this planned district. She would not support the project.

Commissioner Thomas asked what the faux windows would look like.

Planner Nguyen replied that the windows would be glass and emulate the real windows in the rest of the project.

Commissioner Thomas agreed that the project could be better. However, the caretaker's unit and storage units facing Mission Boulevard looked more like a house. This was actually a warehouse and it was better than any other storage project in the City. She would vote to approve.

Commissioner Sharma noted that this project had been previously approved and if the extra height of 2½ feet had not been added to Building 4, it would not have come before the Commission. He believed that the applicant had tried to fulfill the additional requirements that the Commission had requested. He would support the project.

Commissioner Natarajan agreed with Commissioner Thomas that the buildings did not look like a warehouse. She stated that she would be inclined to support a building that looked more like a warehouse, which was more appropriate for the Niles District, rather than the "fake" look of this building. She suggested that some of the architectural elements be refined, such as, the foam bands that, in her opinion, added to the mass. Much more creative landscaping should be installed and recycled, and green building materials should be used. Two conditions should be added to restrict the hours of operation and the hours of construction, especially on the weekends.

Commissioner Harrison asked what hours of operation had been approved for other storage units within the City.

Planner Nguyen stated that no restrictions were placed on operating hours for other mini-storage facilities in the City.

City Planner Marks opined that since this facility would be near residences, restricting hours of operation might be appropriate, as decided by the Commission. He suggested bringing the applicant back to ascertain his preference.

Commissioner Thomas wondered why the hours of construction were not included in the report, as they always had been included in the reports of other projects within the City.

Commissioner Cohen reopened the public hearing.

Mr. Manbeian stated that he would agree to the same hours that other mini-storage facilities operated under. He stated that hours of construction for everyone, as mandated by the City, were 9 to 5 on Saturday and 12 to 5 on Sunday.

City Planner Marks recommended construction hours of 7 to 6 Monday through Friday, 9 to 5 on Saturday and no construction on Sunday.

Mr. Manbeian agreed to Planning Manager Marks' recommendations.

Chairperson Cohen again closed the public hearing.

Commissioner Thomas suggested the facility should be closed at least from midnight to 6:00 a.m. (or earlier, if it is the custom with other mini-storage businesses in the City).

Commissioner Cohen agreed with Commissioner Natarajan. He stated that he would also vote to deny because this was a gateway into a historic neighborhood, and the design should have been stronger.

IT WAS MOVED (HARRISON/THOMAS) AND CARRIED BY THE FOLLOWING VOTE (4-2-0-0-1) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND THAT THE PREVIOUS ADOPTED MITIGATED NEGATIVE DECLARATION IS STILL APPROPRIATE FOR THIS REVISED PROJECT AND THAT NO FURTHER REVIEW IS REQUIRED;

AND

FIND PLN2003-00140 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

APPROVE PLN2003-00140, AS SHOWN ON EXHIBIT "A", SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL ON EXHIBIT "B".

The motion carried by the following vote:

AYES:	4 –Harrison, Sharma Thomas, Weaver
NOES:	2 – Cohen, Natarajan
ABSTAIN:	0
ABSENT:	0
RECUSE:	1 – Wieckowski

Item 3. PARCEL MAP 7951 – 3535 & 3519 Ferry Lane – (PLN2002-00312) - to consider a Tentative Parcel Map to create three lots where two exist on property located in the Northern Plain Planning Area. This project is categorically exempt from CEQA review per Section 15315, Minor Land Divisions.

Joanne Weith, applicant, stated that she and her mother lived on the two current lots. She passed photos that showed how the site looked in 1964 before landscaping and how it presently looked. The two lots shared one gravel driveway and the City wanted them to install two paved driveways, which would destroy major landscaping elements and add unattractive hardscape.

City Planner Marks noted that asphalt was required by City codes for access at least to the City street.

Commissioner Natarajan asked if the driveway could be permeable concrete.

Associate Civil Engineer Russell stated that permeable concrete had been accepted in the past for historical properties. He believed something could be worked out with the applicant.

Ms. Weith stated that originally the City wanted them to install a concrete driveway. She stated that she had driven around Palo Alto and Menlo Park and saw that nearly all of the multimillion homes had asphalt driveways.

Commissioner Thomas asked the applicant if she would consider permeable block for the two driveways.

Ms. Weith replied that the much of the landscaping would still have to be removed and she was not sure if they could afford permeable block. She would prefer to retain the shared driveway.

Commissioner Harrison asked Planning Manager Marks to repeat his comment about asphalt driveways and if the driveway could be just one foot into the property.

City Planner Marks reiterated that the zoning ordinance required either concrete or asphalt (some kind of an impermeable surface) from the street into the property.

Commissioner Weaver asked if the driveway the applicant desired would be one at the street and branch off to each home. She asked if the width of the driveway was the minimum required, as shown on the exhibit.

Ms. Weith stated that the driveway shown on the top exhibit was their preference.

It was determined that the exhibits had been misnamed. Exhibit A was really Exhibit C.

Associate Civil Engineer Russell stated that the minimum driveway width was the minimum for a shared driveway. There was a lesser standard ten-foot driveway.

Commissioner Weaver asked if a ten-foot driveway would be allowed for a shared driveway.

Associate Civil Engineer Russell was not sure, but he knew that this driveway would be a public right-of-way and would be the responsibility of the City. He stated that driveways must be Portland cement or asphalt or some equivalent.

Gera Jessee (mother) spoke in favor of retaining a single shared driveway.

Commissioner Cohen closed the public hearing

Commissioner Thomas stated that she would approve two driveways that were as narrow as possible and whose installation would make the least disturbance to the landscaping. She feared setting a precedent and noted that another driveway would eventually have to be installed when the new third lot was developed.

Commissioner Natarajan liked the shared driveway and would approve Exhibit C. When visiting the site, she could not envision three curb cuts and three driveways on the short frontage. She believed that shared driveways for new developments should be encouraged, contrary to the City's codes. She recommended postponing the creation of multiple driveways until they were needed, since a shared driveway had not been a problem before and would not be a problem in the foreseeable future.

Commissioner Weaver agreed. Right-of-ways could be taken care of through deed restrictions. She would support Exhibit C, the shared driveway.

Commissioner Wieckowski supported Exhibit C, also. He did not believe that a shared driveway would inhibit development of the third lot. The cookie-cutter developments that one saw throughout the City did not have to extend into each and every lot.

Commissioner Natarajan asked that staff work with the applicant concerning alternate materials, other than asphalt, for the driveway.

Associate Civil Engineer Russell stated that it could be done during the DO review.

Commissioner Cohen stated that he preferred gravel driveways and would support a shared driveway.

IT WAS MOVED (WIECKOWSKI/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (6-1-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PER SECTION 15315 OF THE CEQA GUIDELINES;

AND

FIND PLN 2002-00312 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVE TENTATIVE PARCEL MAP 7951, AS SHOWN ON EXHIBIT "C", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "D" (WITH SHARED DRIVEWAY OPTION)

The motion carried by the following vote:

AYES: 7 –Cohen, Harrison, Natarajan, Thomas, Weaver, Wieckowski

NOES: 1 - Sharma

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

- Item 6. QUIZNOS SUBS – 43571 Mission Boulevard – (PLN2003-00156)** - to consider a Planned District Minor Amendment to P-98-10 to allow a fast-food restaurant use (Quiznos Subs) in an existing retail space in the Mission San Jose Planning Area. This project is categorically exempt from CEQA review per Section 15301, Existing Facilities.

Anthony Villamor, local franchisee, stated that Quiznos' goal was to serve high quality, quick-service food (at a competitive price) in an Italian-style deli concept as an alternative to fast-food restaurants. He asked for questions.

Commissioner Sharma asked if he planned to block the glass windows along Mission Boulevard.

Mr. Villamor replied that staff had recommended spandrel glass to match the upper window.

Commissioner Cohen opened the public hearing.

Bob Sepehri, business owner next door, stated that this applicant had a restaurant similar to his own and he believed, "There was not enough business for me to share." He considered Quiznos to be a fast food restaurant, which was not wanted in Mission San Jose. He stated that there would not be enough parking to accommodate this new business. He asked that this application be denied.

Mr. Villamor closed by asking the Commission for approval.

Commissioner Cohen asked if he had another Quiznos franchise in the City.

Mr. Villamor stated that this would be his first one.

Commissioner Cohen closed the public hearing.

Commissioner Natarajan asked if the proposal was to black out the windows, use paneled glass or something else that would come before the Planning Department at a later stage. She asked which windows would be blacked out, as there was no elevation showing these windows.

City Planner Marks replied that the applicant would apply an opaque film or otherwise black out the window bay facing Mission Boulevard or install spandrel glass, which would be subject to the Department's review and approval.

Commissioner Natarajan asked if three panes of window would be blacked out. She noted that the windows were already tinted.

City Planner Marks read from the report that stated the whole bay facing Mission Boulevard would be blacked out. At night, one could see through the tinted windows. The windows would be opaque, due to the storage and food preparation needs of the restaurant.

Commissioner Sharma noted that a next-door business had many signs on its windows and he asked if this proposed business could put anything the owner wanted on the windows. If this kind of signage was allowed, he suggested that "good-looking" signs be used on the windows rather than making them opaque.

City Planner Marks replied that signage requirements with its own set of restrictions were probably in force for this development. He was not sure that signage would be more appropriate than opaque windows. He would look into the signage requirements for the area to ascertain what was permissible.

Commissioner Natarajan believed that an inappropriate use was being forced into an inappropriate space. If any changes were allowed to the exterior, it would change the facades on both sides of the Old School. This excellent project had followed the guidelines for pedestrian-friendly buildings and she was surprised that tinted glass had been approved, as she would have expected clear glass to be required. She would not support blacking the windows, essentially, causing the back of the building to face Mission San Jose.

Commissioner Sharma had similar issues, as the whole purpose of the development had not been met with this application.

IT WAS MOVED (HARRISON) TO APPROVE STAFF RECOMMENDATION AND THAT STAFF WORK WITH THE APPLICANT CONCERNING THE WINDOWS.

The motion was not supported with a second.

Commissioner Thomas suggested looking at the adjacent business concerning its signage. If an entrance off Mission Boulevard, as was originally planned in the development, could be utilized with this project, she would support it. She suggested a continuance rather than a denial to allow the applicant to redesign his use of the building.

Commissioner Cohen noted that according to the staff report, those kinds of options had been considered but were not possible. He stated, for the record, that the Commission was concerned how the street front and the philosophy of the project would be affected if this application were approved as presented. Blocking off windows for a storage area and food preparation was not appropriate on the corner lot of the best development in the City. Quiznos was a cut above general fast food-restaurants. However, it was still a fast-food restaurant and this was still a historic area. He had supported everything Santa Clara Development had wanted, because he believed it was the best developer in the City. He would not lower standards and the quality of life in the Mission area in order to "beef" it up. He would vote to deny the application.

Commissioner Weaver agreed that this was the best development in the City. None of the other spaces had the limitations this one had. She felt that it was unfortunate that Quiznos' needs necessitated that the windows be blocked. It was not appropriate and she would not support this application.

IT WAS MOVED (WEAVER/NATARAJAN) AND CARRIED BY THE FOLLOWING VOTE (6-1-0-0-0) THAT THE PLANNING COMMISSION **DENY THIS PROJECT**

The motion carried by the following vote:

AYES:	7 – Cohen, Natarajan, Sharma Thomas, Weaver, Wieckowski
NOES:	1 – Harrison
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

Chairperson Cohen advised the applicant that he had ten (10) days to file an appeal at a cost of 50 dollars.

Item 7. IRVINGTON CONCEPT PLAN – Irvington District - (PLN2001-00315) – to consider a recommendation to the City Council to adopt the Irvington Concept Plan, a long range plan for revitalization and improvement of an area generally located along Fremont Boulevard extending from Grimmer to Chapel Way, the south side of Grimmer Boulevard from Fremont Boulevard to Irvington Avenue, along Washington Boulevard and Main Street from Fremont Boulevard to the railroad tracks, along Osgood Road approximately a quarter mile south from Washington Boulevard, and portions of Carol Avenue near Washington. The plan would identify some changes to existing ordinances as necessary to implement the plan, but adoption would not in itself modify existing ordinances. A Negative Declaration has been prepared for this project.

City Planner Marks noted key changes in the Plan were that the formerly identified unified redevelopment site was no longer a redevelopment site and minor modifications and improvements were made to the implementation plan to reflect the changes in the redevelopment situation.

Commissioner Cohen opened the public hearing.

Mark Hirsch, Chairperson of the Irvington Business Association, had comments concerning different areas of the Plan, as follows:

- At a recent meeting with small business owners and property owners concern was expressed with regard to implementation of the Plan and the fear that a catastrophe (i.e., fire) might cause the City to encourage the property owner to change from a business use to a residential use.
- Zoning designations that reflected different land uses was of concern. It was explained by staff that the zoning would be an additive zoning on top of existing zoning. They feared zoning changes that would eliminate their ability to conduct their businesses at their current locations.
- Monument Center – Not moving forward at this time and definitely left a gap in the Plan.
- Bay Street – Would be a catalyst for future development; he saw small-scale pedestrian orientation; additional parking now uncertain.
- Main Street – Fairly significant development needed; BART would be very significant and would help to drive the plan.
- End of Main Street – Looking forward to frontage feature after tracks moved over from Washington over-crossing.
- BART – Now in limbo and was important for the area.
- Connector area from the terminus of Main Street and going out to the park – Potential site for housing; pedestrian connector to the center of Irvington important.
- Fremont Boulevard to the south – Potential housing; current business people feared being squeezed out through the process.

- Grimmer Boulevard – Business people feared being zoned out of the Old Fremont Center.
- Creeks – Probably “pie-in-the-sky” but some small, interesting things could be done in the right spot.

Commissioner Harrison asked if the above were recommendations. He asked the Association’s thoughts about mixing commercial and residential throughout.

Mr. Hirsch stated that the Association and meeting attendees felt that the Plan was a positive one and should move forward. The community was concerned that businesses in the Monument Center would be replaced with residences by “nibbling away” the nexus. They did not want fewer businesses and understood that they might be arranged differently, which was positively viewed, as “businesses work well together.”

Commissioner Cohen closed the public hearing.

Commissioner Wieckowski supported the Concept Plan. It provided a flexible blueprint. He looked forward to working on the zoning ordinances and the implementation phase to ensure that a strong commercial base was maintained. He complimented staff on its participation in the public hearings.

Commissioner Harrison also supported the Plan and echoed the comments made by Mr. Hirsch concerning the BART station, which “seemed slightly closer than the moon.” He encouraged the City and its residents to keep the pressure on the State to locate a BART station in Irvington. He also complimented staff for involving and encouraging the public in the project. It was important not to lose any of the commercial base, as Mr. Hirsch stated.

Commissioner Sharma supported the Plan and thanked staff for inviting him to some of the meetings before he became a member of the Commission. He expected that rezoning would be for the right reasons and would ensure that a better job was done.

City Planner Marks stated that the Monument Center area would be rezoned to allow for mixed use, which would happen through the private market rather than through City intervention.

Commissioner Natarajan supported plan and felt that it had progressed way beyond what the CBD plan was able to do. She liked the eight distinct areas. She asked if staff had a sense of what the housing unit build-out would be.

City Planner Marks stated that a rough estimate was that there would be a substantial amount of commercial space, along with substantial housing. He offered to give that information to the Commission at a later date. This was a 20-year plan and BART would provide a major stimulus along Main Street, when it came.

Commissioner Natarajan would like to have seen a more aggressive approach for the transit overlay for approximately one-quarter mile from the BART station that would encourage more green building principles. Development must be transit oriented, not just “adjacent to transit.” TOD not TAD, which was transit oriented development not transit adjacent development. She believed that the design guidelines needed to be strengthened. She also had minor comments regarding the content of the Concept Plan, as follows:

- Page 17 – Numbers as part of the graphics and the legend were not consistent, acknowledgement included two vice chairpersons rather than a chairperson and vice chairperson.
- Page 23 – Delete “unified” character and substitute “distinctive”, “cohesive” or “complimentary.” The character of the area should not be “overly unified.”

- Page 42, Fig 3-21 – Was BART parking and/or residential development envisioned to include retail and/or mixed use, as well?

City Planner Marks replied that it was felt that retail would not be appropriate adjacent to the condominiums, because that area was isolated from the station and was suitable only for residential or parking.

- Page 44 – Where was the “north” located where the density ranges were to be 7-23 dwelling units?

City Planner Marks replied that densities would go down further from the station and closer to Paseo Padre Parkway to the north.

Commissioner Wieckowski asked if the on-street parking met the definition for transit oriented residences.

City Planner Marks stated that retail and commercial streets should have parking available and should be related to the character of the environment rather than how much parking was available.

Commissioner Natarajan continued with design guidelines, which needed to move one step forward to show exactly what was expected:

- Images more pertinent to Irvington need to be used as examples.
- Separate the “shalls” from the “shoulds.”
- Page 54 – Property line sidewalks needed better illustration.
- Page 57 – Add “a diverse, yet cohesive, set of materials.”
- Page 59 – Windows on commercial store fronts should be clear glass, no tinting.
- Section 4 – More images needed to show what was acceptable and what was not when designing parking structures.
- Page 60 – Add “materials and building elements should compliment adjacent buildings.”
- Page 62 – Why a six-inch minimum space between the projecting sign and the building?

City Planner Marks was not able to recall a reason and promised to research the answer.

- Page 64 – She agreed with no vinyl awnings, but contemporary materials, such as glass and metal, should not be discouraged where appropriate
- Page 65 – Awning colors did not necessarily need to be compatible with building, as accent colors could work well.
- Page 67 – The “memorable sense of place” for landscape design should be defined. Native plantings, drought tolerant plantings and more creative landscaping should be encouraged.
- Page 68 – “Light fixtures that provide character” should be defined with images.
- Page 72 – She asked if the street edge tied into the buildings being on the property line or was there a maximum setback that should be defined? Should it reference back to the 30 percent?

City Planner Marks did not believe a maximum setback was needed, as most developers would not have overly deep setbacks, as it would not be efficient. He agreed that it could reference back to the 30 percent.

- Page 75 – Doors facing the plaza should be required in buildings sited immediately adjacent to plaza, to eliminate doors at the back or sides of the buildings.
- Bottom of page regarding building frontage – If the intent was to restrict parking, perhaps one aisle of parking should be allowed, rather than a 50 percent frontage.

Planning Manager Marks would consider her suggestion.

Commissioner Cohen asked if there was any major disagreement with Commissioner Natarajan's recommendations. If not, he asked for support for her recommendations.

Commissioner Harrison recalled a previous discussion that concerned tinted versus clear glass on the ground floor of a building. He asked if it should be looked at on a case-by-case basis rather than not allowed, as Commissioner Natarajan had recommended.

City Planning Manager Marks stated that when referring to a commercial storefront, he agreed that the glass should be clear.

Commissioner Sharma complimented Commissioner Natarajan for the excellent proof reading that she had performed for the rest of the Commission.

The commission supported Commissioner Natarajan's recommendations by acclamation.

Commissioner Wieckowski asked that mitigation for City creeks be included somewhere in the report, such as within Section H, Creeks

Commissioner Cohen agreed that BART would be the major catalyst for the implementation of this Plan. To have successful urban development, critical mass was needed along with a residential and commercial mix. Old philosophy still existed within the City that an urban environment did not need the urban component to be successful. This resistance was detrimental to Irvington and the CBD. When one looked at how the urban environment worked before suburban development was created, one could see it worked because of the mix of critical mass, residential and commercial environments.

IT WAS MOVED (HARRISON/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

ADD THE ABOVE RECOMMENDATIONS TO THIS REPORT;

AND

RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THE CITY COUNCIL APPROVE DRAFT NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

RECOMMEND TO COUNCIL APPROVAL OF THE DRAFT IRVINGTON CONCEPT PLAN (PLN 2001-0315) AND FORWARD SPECIFIC RECOMMENDATIONS, IF ANY.

The motion carried by the following vote:

AYES:	7 –Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- City Planner Marks noted that several letters were in the Commissioners' packets regarding the geotechnic or Mission Peak overlay zone. City had no recommendation at this time and he was not sure when it would be calendared.

Commissioner Weaver asked if the letters should be kept.

Planning Manager Marks stated that they would be included in a later packet when the item was brought back to the Commission.

- Planning Manager Marks announced that Wal-Mart would be heard by the Commission on March 27th.
- Before the March 13th meeting, a special presentation would be made at 6:15 p.m. in council chambers by the Economic Development Director.

A photo would be taken of the New Planning Commission for the web site after the March 13th meeting.

- Commissioner Natarajan asked if the Commissioners could have a copy of the retail assessment study performed by Thomas Consultants.

Planning Manager Marks replied that it was very large, but a summary was available.

- Planning Manager Marks stated that Commissioners were encouraged to plan to attend meetings on each scheduled date. Due to budget restraints, it was hoped meetings would be held once a month. However, some meetings would be cancelled very close to the date that the meeting was to be held. He apologized that dates requested by some Commissioners would not be accommodated.

Commissioner Thomas stated that she would not attend the April 10th meeting, if it was held as scheduled.

- City Planner Marks announced that, due to budget cuts, the Planning Department counter would be closed from 12:00 p.m. to 4:00 p.m. every Friday beginning April 4th.
- Information from Commission: Commission members may report on matters of interest.
- Commissioner Harrison stated that he had heard the former City Fire Chief Dan Lydon speaking about the tragedy that had occurred in Rhode Island in an unsprinklered building. He asked if he could have a copy of the City fire sprinkler ordinance and if there was a list of unsprinklered buildings within the City that should be looked at. He wondered if a partnership could be created with the owners of these unsprinklered properties and the State and Federal Governments to acquire funds to get these buildings sprinklered.

City Planner Marks replied that the East Coast was a different animal than the West Coast and had older buildings. The City had a very strong code on this issue. He agreed to furnish Commissioner Harrison with a copy of the code.

- Commissioner Weaver noted that Dr. Sharma had become Dr. Rakesh in the report prepared for this meeting. Because the last meeting was cancelled, an invitation to the opening of Mission Tierra was not received in time. She asked that these kinds of items be mailed to the Commissioners, if a meeting was cancelled.
- Commissioner Sharma thanked Senior Deputy City Attorney Seto for her advice concerning his conflict of interest issue. He announced that he would donate his Planning Commission check back to the City.

Senior Deputy City Attorney Seto stated that she would speak with the Human Resources Department about how to handle the return of his checks.

Commissioner Cohen stated that he was going to keep the pay he received for being a member of the Planning Commission. He noted that the federal budget deficit was estimated to be 400 billion dollars, which did not include estimates of from 40 billion to 100 billion dollars for war costs. He believed that all cities should pressure the federal government to use more thought with regard to its policies, which was hurting everyone. Therefore, he would not donate his Commissioner's pay back to the City.

Commissioner Thomas announced that she had given the City Manager her check, which was to go back to Human Services.

- Commissioner Weaver stated that Senior Deputy City Attorney Seto had been missed and she welcomed her back.

Meeting adjourned at 9:20 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte
Recording Clerk

Dan Marks, Secretary
Planning Commission